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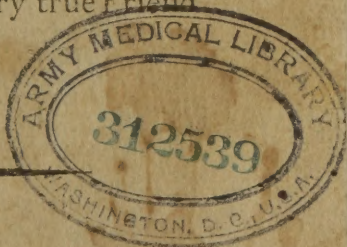
Dr. L E I B' s

PATRIOTIC S P E E C H,

ADDRESSED TO THE HOUSE OF REPRESENTATIVES
OF PENNSYLVANIA.

February 24, 1796.

Throwing light on the most important proceedings of the Federal Government ; touching on the Treaty with Great Britain ; and many other subjects, which materially concern every true Friend to his Country.



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1796.



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PENNSYLVANIA LEGISLATURE.

HOUSE OF REPRESENTATIVES.

FEBRUARY 24, 1796.

Debate on the VIRGINIA RESOLUTIONS.

Dr. L E I B *addressed the Chair as follows :*

MR. CHAIRMAN,

I NEVER rise to give an opinion on this floor but with the extremest diffidence. On the present occasion this diffidence is unabated, and I trust I shall have the indulgence of the committee as a young member, and as being entirely undisciplined in public proceedings, or public discussions. Silence on a question so momentous as the one under consideration, might argue an apathy for the public good, which I am unwilling to be charged with, and which my feelings tell me I do not merit. Not only the state which we represent, but the United States

States are deeply interested in the present question; it is therefore incumbent on every member of this committee, to throw every light upon the subject in his power, and to examine it with all that candour, manliness, and independence, which a subject of such high importance merits.

The propositions before us have a fourfold aspect :

1. The extension of the treaty making power in certain cases to congress.
2. The erection of another tribunal than the senate to try impeachments.
3. The abridgment of the duration of the senate.
4. The prevention of mingling other offices in the government with the judiciary.

I will briefly examine these several propositions, and will then appeal to every candid and unprejudiced mind whether the adoption of them is not necessary to our security and happiness. If objections arise in my mind, they go not to the propositions themselves; but to the remedy, being partial, instead of extending itself to every unsound part of the body politic. At present I shall not enter into a detail of the other faulty parts of our constitution, but shall confine myself to the specific cases which the propositions before us embrace.

In considering treaties I cannot avoid suggesting my opinion, that they are altogether improper, considered in relation to the United States.

What have we to do with treaties? Situated 3000 miles from the theatre of European interests and intrigues; proprietors of a vast continent, abounding with every thing necessary to the comfort of man; no enemy contiguous to us that can excite apprehension, and competent to repel every attack which can be made upon us, whence the necessity of treaties? Are treaties of alliance necessary

necessary to us, whose geographical situation affords the strongest bulwark and the greatest security? In a state of infancy, when we had suddenly emerged from the lap of an unnatural parent, without resources to supply our wants, and destitute of the means of resistance, an alliance then became a thing of necessity; but far different is our present condition. Treaties of alliance render us parties in the intrigues and corruptions of European nations; they expose us to a participation in all the distresses and oppressions resulting from war. Scarcely a lapse of ten years takes place, but some part of Europe is the theatre of slaughter; and when once the trumpet of war is sounded, it summons all allies to the field. Europe for centuries past has been a great human slaughter house, and by combining with any of its nations, we expose ourselves equally to become the murderers of the human race. The danger to which treaties of alliance expose us on the ground of war, is not much greater than the risk they create on account of our republican government. Treaties give nations a footing among us, which they would not otherwise acquire. They domesticate them and give them an opportunity of effecting their object by intrigue and by corruption, more certain resources than open violence. Republicanism is the Upas of tyrannic government, and for the security of monarchy it becomes essential to exterminate it. Can monarchy behold republicanism unmoved? Is liberty a thing which despots disregard? Is it their bane? and an alliance between a republic and a monarchy, gives an opportunity to root out freedom, which despots cannot fail to embrace.

Which ever way I turn my eyes, treaties present a ghastly spectacle. Treaties always bind the weak,

weak, but they have no cords strong enough for the powerful. The weaker party must submit to the injustice of the stronger, or the treaty construed by power, is a pretext for war. The connection of two nations by treaty, dissimilar in their strength, reminds me of the fable of the lion and four beasts, who hunted together : they caught a stag, and the lion divided it into four parts. The first part he claimed on account of his share, the second as being the chief, the third as being the most useful and powerful, and the fourth because he chose it. This is an epitome of treaties of alliance.

But let us consider the injustice of treaties, and here they will be found equally exceptionable. A treaty is an act which binds posterity, and over which they have no controul without hazarding the miseries of war. The laws, nay the constitution of a country may be changed, modified, or made a new ad libitum, without danger. No other consent is necessary than that of the people, who are immediately interested ; but a treaty which makes the consent of another nation necessary, cannot be dispensed with or changed without war ; although we have a right to bind ourselves, does this right extend to posterity ?

In confirmation of these opinions, permit me to cite the authority of Godwin, an author of high political eminence.

“ A second article which belongs to the military system in a season of peace, is that of treaties of alliance. This subject may easily be dispatched. Treaties of alliance in all cases are wrong ; in the first place, because all absolute promises are wrong, and neither individuals nor bodies of men ought to preclude themselves from the benefit of future improvement and deliberation. Secondly, they are wrong, because they are in all cases negatory. Governments

verments and public men, will not, and ought not to hold themselves bound to the injury of the concerns they conduct, because a parchment, to which they or their predecessors were a party, requires it at their hands. If the concert demanded in time of need approve itself to their judgment, or correspond with their inclination, it will be yielded, though they were under no previous engagement for that purpose.—Treaties of alliance serve no other end, than to exhibit by their violation an appearance of profligacy and vice, which unfortunately becomes too often a powerful encouragement to the inconsistency of individuals. Add to this, that if alliances were engines as powerful as they are really impotent, they could seldom be of use to a nation uniformly adhering to the principles of justice. They are in reality ill calculated for any other purposes than those of ambition. They might be pernicious, because it would be beneficial for nations, as for individuals, to look for resources at home, instead of depending upon the precarious compassion of their neighbors.”

Are treaties of commerce more necessary than of alliance ? Not involving, perhaps, such serious consequences, they are subject to the strongest objections. Commerce ought to be free as air, and by allowing its natural freedom, it will always regulate itself. Like fluids it will seek a level. The commerce between nation and nation ought to be governed by the same rules which direct the intercourse of individual's interest. Individuals trade with those who sell cheapest and give them the best prices. This is the only negotiation which ought to obtain between nations.

The products of our country are the necessaries of life, and will always command a preference to its luxuries. Commercial treaties are stilts to commerce,

merce, they give it a tottering and a hobbling gait, they are like crutches which may serve to aid the lame and infirm, but which embarrass the healthy and the vigorous. Are we in a state of decrepitude that we need artificial means to support us? If our products are necessary, they will be in demand; if they are not necessary, treaties of Commerce cannot render them so. What commercial treaties has the Emperor of China?

It is well known that he has no navigation, excepting a coasting trade can be called so, and yet all nations resort to his territories for their products—Whence is this? Certainly because the articles of that country are made necessary to other nations, and because merchants will always trade where they can find most advantage. If the superfluities of life can find an outlet without commercial treaties, as is the case in China, surely such treaties are not requisite to us to give vent to its necessities. But as we have admitted the necessity of a treaty making power, we ought to guard it in such manner that it cannot be made to barter away our rights, and place all that is dear to freemen in jeopardy. The Constitution in its present form gives to the President and Senate the power of legislating for the union. It gives to twelve men the power to bind us and our posterity! What pre-eminence of virtue are we to look for in a President and eleven senators, that we should confide to them the power of making a treaty, which shall be more immutable than our laws, and more binding than our constitution? Is there a talismanic property in the name of a President and a Senator, which will convert those who are thus designated into paragons of virtue and excellence?

It is a doctrine lately contended for, that Congress are bound to make appropriation to fulfil the stipulations

stipulations entered into by the government; if this be admitted to what a dilemma are we reduced? the whole Legislative power may, by means of this assumption, be swallowed up by the Executive and Senate, and the House of Representatives be converted into a parliament, according to the ancient French establishment, to register the edicts of a king and his council.

The right of originating money-bills, is by the Constitution vested exclusively in the House of Representatives, and yet by the construction of the treaty making power, money-bills may originate with the President and Senate; for if the House of Representatives are bound to sanction the engagements of the executive, the executive has virtually the power to make appropriations of money. A power of this kind is not possessed by the monarch of Britain, and yet Republicans are about to legitimize it in a President and Senate! The hodge podge powers granted by the Constitution, are strongly exemplified in the interference of the treaty-making power with Congress; for if Congress are bound to make appropriations, their power is a nullity; if they are not, the executive may commit the peace of the United States, by entering into engagements, the non compliance with which may lead to war. The executive has a check upon the Legislature; his veto is equal to two-thirds of both branches; but what check has the Legislature upon him? If he can make treaties which subject them to the necessity of making appropriations, or on hazarding a war, where is the check upon him for such conduct? Is impeachment a check? Nothing so farcical ever found its way into the Constitution of any country pretending to freedom, as accomplices being made. Judges, according to our Constitution. If the executive has a right to make treaties involving moni-
ed.

ed engagements, he has a coercive power over the Legislature, by which he can oblige them to fulfil his contracts, or go to war. The treaty-making power then gives to the President and Senate indirectly the power of declaring war ; for if they are at liberty to make treaties of whatsoever nature they please, they may enter into compacts which it would be too hazardous for Congress to sanction by appropriations, and thus induce the nation with whom they have contracted, to make war. Indeed the executive and Senate may ensure a compliance with their treaty, or a war, by promoting that kind of understanding with the nation with whom they have treated, as shall make one or the other inevitable. Let not this be supposed extravagant, when it is so abundantly confirmed by the records of human nature, that power will seek every means within its reach to aggrandize and perpetuate itself. Fathers have been known to seek the ruin of their sons, brothers of each other, and sons of their fathers, in contests for power ; and can it be supposed extravagant, that a President and Senate should aim at power at the expence of those less allied to them ?—"Constant experience," says Montesquieu, "shews us, that every man entrusted with power is apt to abuse it, and to carry his authority as far as it will go. It is not strange, though true, that virtue itself has need of limits ?"

The amendment proposed by the Legislature of Virginia, obviates these hazards and these difficulties ; for as all the branches of the government are by it rendered necessary to the sanction of commercial treaties, and no treaty can be ratified without first being submitted to Congress, the ratification of treaties will insure appropriations, and all those provisions necessary to carry them into effect.

According to the construction of the present treaty,

ty making power, treaties may be made to repeal pre-existing laws, and thus our laws be made to depend upon a President and Senate. The Executive and Senate then become legislators, in all cases to which treaties can possibly extend, and as there is no commercial regulation that cannot be comprehended in a treaty, the omnipotence of the President and Senate over commerce completely annihilates the power of Congress to regulate it. All municipal laws require the concurrence of the three branches of government; treaties involve consequences more important than such laws, and therefore ought to be subject to the same process. A treaty is the most solemn compact a nation can enter into—municipal laws may be changed or repealed at the will of the nation without hazard; but a treaty which requires the consent of another government before it can be touched, has the peace and the blood of the nation for its guarantee. The compact which bound the United States under the old order of things, went silently to the tomb, and a Constitution arose from its ruins without strife; but could this be done with a treaty?

The construction which has been given to the treaty making power, will convince every unbiassed mind, that it goes to annihilate the constitution; for so many important objects of legislation may be comprehended in treaties, that the popular branch of the government must be entirely superceded. If Congress insist upon the power delegated to them by the Constitution, and the Executive contends for an exercise of that authority which has received such an ample construction, an imperium in imperio is created by such distinct powers of legislation, and governmental anarchy or governmental warfare must be the consequence. To obviate such evils, the amendment becomes necessary; for either the pow-
ers,

ers of the House of Representatives ought to be more clearly defined and more narrowly guarded, or they must rise up in hostility to the Executive Department, or become a resemblance of a British House of Commons, a machine calculated to answer ministerial purposes. Influence then will be a substitute for prerogative influence, far more dangerous than defined power ; for the first may enslave, but the latter corrupts—the former is a dagger in the hands of an assassin, the latter a poison circulating in the veins—against the first there is always a remedy, a remedy in the resistance of the people, against the last resistance is fruitless. I would say in the language of Lord Bolingbroke, that if we submit to such things, “ we have lost the spirit of our constitution, and therefore we bear from little engrossers of delegated power, what our fathers would have not suffered from the true proprietors of loyal authority.”

An argument, perhaps, may be drawn against committing treaties to large bodies on account of the factions which all such bodies are said to experience, and on account of the want of the necessary secrecy. Godwin, in his Political Justice, has opinion so pertinent to this subject, that I will take the liberty to read them to the committee.—“ It has been of the objections to the ability of a democracy in war, that it cannot keep secrets. It happens in this instance, that which the objection attacks as the vice of democracy, is one of its most essential excellencies. The trick of a mysterious carriage is the prolific parent of every vice, and it is an eminent advantage incident to democracy, that though the proclivity of mind has hitherto reconciled this species of administration in some degree to the keeping of secrets, yet its inherent tendency is to annihilate them. Why should dissingenuity and conceal-

ment be more virtuous or more beneficial in nations than in individuals? Why should that which every man of an elevated mind would disdain in his personal character, be entitled to more lenity and toleration, if undertaken by him as minister of state?—Who is there that sees, that this inextricable labyrinth was artfully invented, lest people should understand their own affairs, and understanding become inclined to conduct them? With respect to treaties it is to be suspected, that they are in all instances superfluous. But, if public engagements ought to be entered into, what essential difference is there between the governments of two countries endeavouring to over-reach each other, and the buyer and seller in any private transaction adopting a similar proceeding?” But if this is an insecurity, how much stronger does it appear in giving the formation of treaties to smaller bodies, where influence and corruption may be more easily exercised, and the public good be made subservient to individual interest or private ambition? A body small and permanent as the Senate, ought least of all to be trusted with extraordinary powers; for it is the permanency of the British Parliament that makes it a ministerial engine, and the permanency of the Senate, and its relation with the President, are insuperable objections to committing the formation of treaties to them alone. The checks of the different branches of the government upon each other in the formation of laws, have occasioned volumes of panegyrics; but what becomes of such checks, when the most important of all laws, treaties, are to be formed? Here the President and Senate, who have been aptly compared to man and wife, are to be the only checks upon each other, and the immediate Representatives of the people are to have no voice in treaty legislation! A law which can be repealed at the will of the nation, requires the concurrence

of the three branches of the government ; but a law more imperious than any municipal regulation, or even the Constitution itself, and which binds us and posterity, requires no other sanction than the President and Senate ! What a satire upon checks and balances ! What a solecism in a republican government !—Nay more, what horrid features of despotism does not this exhibit ! No wonder it should have been the opinion of Godwin that monarchy had one refuge left in the United States, and that the President possessed regal powers.

[A chapter from Godwin's Political Justice, on a President with regal powers, was here read, we refer our readers to the work, vol. 2, page 13.]

The second proposition offers such a self-evidence to the mind, that it is almost needless to annalize it—Indeed it is one of those self-evident truths, which derive no aid from argument. As it is, however, in the view of the committee, I shall give it a cursory notice. By the Constitution of the United States, the Senate are made to participate in many of the executive powers, and, therefore become parties with him in executive measures.

Now as it would manifest the highest absurdity for a person to be a judge in his own cause, and as such a thing is unknown in any country where Reason and Justice have dominion, it follows, that to confide the power of judging on an impeachment to the Senate, is a dereliction of every principle of propriety, and offer of a premium or political transgression. Would it not appear extremely paradoxical and unjust, that a criminal should be tried by a jury of his accomplices, who are equally guilty with himself ? And yet such a jury would be the Senate, when sitting in judgment upon a President. Is this responsibility ? “ There is no subject, says Godwin, that deserves to be more maturely considered, than this of responsibility—To be responsible is to be liable

ble to be called into an open Judicature, where the accuser and the defendant produce their allegations and evidence on equal terms. Every thing short of this is mockery. Every thing that would give to either party, any other influence than that of truth and virtue, is subversive of the great ends of justice. If he can bias the sentiments of his judges by his profession of power, or by any compromise previous to his resignation, or by mere sympathy excited in his successors, who will not be severe in their censures, lest they should be treated with severity in return, he cannot be said to be responsible at all. From the honest insolence of despotism we may perhaps promise ourselves better affects, than from the hypocritical disclaimers of a limited government; nothing can be more pernicious than falsehood, and no falsehood can be more palpable than that which pretends to put a weapon into the hands of the general interest, which constantly proves blunt in the very act to strike."

What the views of the framers of the constitution were in relation to this clause, unless it was designed to produce presidential inviolability, is not easy to imagine; for I defy an instance to be produced in any country even pretending to freedom, of such an heresy. It is impossible for the human mind to figure to itself a thing more absurd and more unjust, than that of the accomplices in guilt being made the Judges of the principal. Two thirds of the Senate are necessary to concur in a treaty, and two thirds are necessary to pronounce sentence on an impeachment! Is this among the boasted checks and balances of our constitution? This feature of our charter is too deformed to need any further illustration.

"It is a monster of such horrid mien,
As to be hated needs but to be seen."

The proposition which contemplates an abridgement

ment of the duration of the Senate, next claims our attention—Representation is the vital principle of Republican Government, and the purity of Representation depends upon the unbiassed will of the people.—The will of the people ought to be the Supreme Law, and there is no other mode of ascertaining this will, than by their Representatives. Now as the expression of the people's will can only be fairly and substantially given at the election of their Representatives, and as this will ought at all times to be consulted, the more frequent the elections the more frequent the opportunity of consulting it—If elections are not frequent, the will of the Representatives, instead of the will of the people, becomes the Supreme Law. Every remove from the people diminishes the security of their rights. Now, as the Senate are not chosen by the people, some guarantee ought to be given them for a just exercise of power, and this guarantee can be only found in the frequency of their appointment. The Senate is chosen by the different Legislatures, they are, therefore, in this case, electors; now, as the remedy in the power of the people for an improper appointment by the Legislatures, is on the day of election, this remedy becomes nugatory, unless the election of Senators recurs frequently—What remedy, I would ask, have the people, when the Senators are chosen by the Legislatures, and those Senators are of six years duration? Where is the responsibility to the people in this case? Had frequent elections of Senators obtained, we should not at this moment, behold Legislators, who had disregarded the voice of the people, sitting in council, and perhaps meditating another attempt upon our constitution, and upon liberty. The power of removing the senatorial electors, is the only resource the people have against improper appointments: but what remedy does this afford when a revolution of six years must

must take place before the people are allowed the opportunity of doing themselves justice ! The remembrance of the highest political transgression may be effaced in six years, and the sense of injury and injustice may become obtruded by time, which will afford a mantle of inviolability to the unfaithful servant.—If the people cannot be intrusted with the right of frequent elections, and the power of a speedy removal of unjust Legislators, it furnishes an argument for the establishment of a septennial House of Representatives, an hereditary Senate, nay more, for the divine right of kings.

The very nature of a republican government supposes a sympathy between the people and their representatives.—Now I would ask, what sympathy can possibly subsist between a Senator elected by a Legislature for six years, and the people that he is said to represent ? As well might we look for a fellow feeling in the House of Commons of Great Britain for the people ; for as their septennial duration renders them independent of the people, and converts them into the engines of despotism, of a similar nature will be the character of our Senate, when they become a little more matured by age and circumstances. This permanency of Senate is to give stability to government, and to preserve us from anarchy. Anarchy ! this is a word imported hot from the British mint, and is of cabalistical import, and, like the word heretic among the over zealous christians of past centuries, furnishes a pretext for cruelty and oppression. But let me ask, what are even the dangers and horrors of anarchy when compared to tyranny ? Let experience and the records of ages answer the question. What are the comparisons between anarchy and despotism afforded by past ages ? While despotism has deluged the world with blood and made a pastime of human misery ; while it has systematized rules for the oppression

sion and degradation of man, anarchy has had a speedy period to its convulsions, and a sunshine after its clouds. Anarchy, like strong passions, is but short lived ; but despotism, like the malice of an unheated mind, knows no limits to its appetites. In a word, anarchy is like the eruption of a volcano, which is transient, and confined in its ravages ;—despotism is like the earthquake in Calabria, that did not cease till it carried misery and ruin to the utmost bounds of nations.

“ It may be truly said, was the remark of the celebrated Dr. Price, if licentiousness has destroyed its thousands, despotism has destroyed its millions. The former, having little power, and no system to support it, necessarily finds its own remedy ; and a people soon get out of the tumult and anarchy attending it. But a despotism, wearing a form of government, and being armed with its force, is an evil not to be conquered without dreadful struggles. It goes on from age to age, debasing the human faculties, and preying on the rights and blessings of society. It deserves to be added, that in a State disturbed by licentiousness, there is an animation which is favourable to the human mind, and puts it upon exerting its powers ; but in a state habituated to despotism, all is still and torpid. A dark and savage tyranny stifles every effort of genius, and the mind loses all its spirit and dignity.”

But let us examine whether this said monster, anarchy, will arise from rendering representatives more responsible, and more dependent upon the people.—Are the people of this country such friends to disorder, that the energy of an aristocratic government is necessary to keep them in due subordination ? What were the restraints of law during the interregnum of the declaration of independence, and the establishment of the respective State constitutions ? At this period, every thing was afloat ; but the

the well-informed and upright mind of Americans, kept them within those limits which justice and good order required, and yet we distrust them at this time, and are unwilling to commit to them a frequent opportunity of appointing their Legislators ! Stability of government has become a cant phrase to cover usurpation. We find the most horrid and iniquitous oppressions resorted to in Great Britain to preserve governmental energy—witness the late sedition-bill—and yet we seem disposed to legitimize a similar management. Government generally corrupts the people, instead of the people corrupting the government : checks are artfully contrived to render the people submissive to the government ; but checks upon the government seem to be an object of little solicitude. If Republican Government is instituted for the benefit of the people, the checks ought to be upon the rulers, instead of the ruled ; for as the instances of the anarchy of Republicanism are solitary, but those of despotism are innumerable ; experience ought to instruct us to have a jealous and watchful eye over men in power, and fortify ourselves against their encroachments by every means in our possession. Let us reflect upon our condition—If it is unsafe to allow frequent elections of Legislators, how much more unsafe is it to confide power long in the same hands ? There is, unfortunately, a disposition in human nature to abuse power ; but the propensity to pursue our own happiness, is an ample security for an enlightened people to be completely entrusted with their liberties. Are the people in America so debased as to make it insecure to trust them with their own rights ? Are they so ferocious that they must be yoked like wild beasts ? Or does a Senatorial function convert man into an angel, and make him forget all his evil propensities ; Either the people must be so debased, that they are unfit to make a proper choice, or their rulers

ters must be a few grades above the lot of humanity, that they need not the guards, which human nature requires. Where is the man that will offer this insult to the American people; who is he that will attribute perfection to men in power? The history of the federal government does not furnish those luminous and patriotic features of human nature, as to seduce us into an unlimited confidence in men in power.

The excellence of our government has had anthems of panegyric continually chanted in our ears. It is said to be the best in the world, and because of this we ought, I suppose, to reverence its imperfections; admitting for a moment, that our government is the best in the world, is this offering any encomium upon it? Until the immortal French Revolution gave a new impulse to the European mind; until that glorious and sublime event began to chase tyranny from its strong holds, slavery was the portion of the trans-atlantic world. Even at this moment the iron of despotism enters deep into the hearts of the largest portion of the people of that country, and yet we turn our eyes there for governmental comparisons! Is it a solace to us, that our government is less bad than that of Russia or Prussia? Are we to be satisfied, because our government bears the palm from despotism? Is it a gratification in which we ought to delight, that it has the precedence to that of Great-Britain? If our political security is commendable, because it is greater than the tenants of his Britannic Majesty, I confess my feelings would not be highly gratified; for although we are not yet immersed in the corruptions and tyrannies of that debauched government, are we free from those imperfections which lead to them? Is our government as good as it ought to be? This is the question. Its most zealous advocates will hardly admit this; let us then render it more perfect, by introducing those amendments which it requires; for though it may be

be absurd for men to expect perfection, it is wisdom to attempt it. Are we to have Senators for six years, because it is a less time than the septennial duration of the House of Commons? There was a time when British representatives were annually elected; but the strong hand of lawless power changed their duration to a time more fit for its purposes. The wealth of the nation would have been insufficient to corrupt a parliament annually elected, it was necessary, therefore, to extend its duration, to give doubters, pensions, and places fair play. Is power less intoxicating here than in Great-Britain? Tho' we have less wealth, have our men in power more virtue? If the means of secret influence are acquirable, will our legislators be more proof against them than the members of a British parliament? Will not the smallness and permanency of the Senate give an opportunity for the exercise of the influence which exists, and that which may be acquired? I will here hazard an assertion, and say, that if the Senate of the United States had had even a triennial duration, that disgraceful compact, which has prostrated the American interests, honor, faith, dignity, and independence, would never have had a being—The sovereignty, the majesty of the American people would not have been insulted—Their voice would not then have been treated with scorn, and their feelings made to minister to the unaccountable and suspicious views of a Senate.

Can a republican government exist that is not founded upon the will of the people? Can there be such a government where that will is not supreme? Can the will of the people be known by a legislature constituted like that of the senate? Can that will, if known direct, where there is an intermediate body to elect, and where the continuance is for six years? A republic where the people do not govern, is a solecism, and responsibility where a body is of six years duration, is a paradox.

The fourth proposition, which contemplates a prevention of heaping offices upon judges, next claims our attention. This is another of those self
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evident truths, which every just mind must perceive at a glance. One of the greatest securities free men can have, is in the integrity and independence of the Judiciary Power. To preserve this integrity and independence, Judges ought to be placed above the smiles and the frowns of any department in the government. If temptations can be held out to Judges, by means of new offices, you hold out a lure to their integrity, and a seduction to their independence. Self interest has such an influence upon the mind, that where it operates strongly, it sometimes warps the sternest virtue. A motive so powerful, ought to be sedulously guarded against in so important a point as the just administration of our laws and constitution. The present Constitution has been so construed, or perhaps indeed, so perverted as to license the appointment of a Judge of the Supreme Court in the Union to a foreign mission. The impropriety of such an appointment, must strike every reasonable mind, independently of the causes which in principle militate against it. Either a judge is, or is not necessary. If he is necessary, he ought to be upon the spot; if he is not necessary, the office is a sine cure and ought to be abolished. But there is a constitutional circumstance which ought ever to preclude the Chief Justice of the United States from accepting any office in the gift of the executive. The Constitution renders the presidency of the Chief Justice necessary in the Senate on an impeachment of the President—and if his affections can be seduced, or his virtue be put off its guard, by appeals to his self-interest, where is the promised security from impeachment? An authority to confer additional offices upon the Chief Justice, exalts him in the cause of the President—and the boasted responsibility which impeachment is said to secure, becomes a dead letter. Can argument be necessary to substantiate absurdity and the danger from such a power?

Having taken a brief view of the amendments, I will now cast an eye on the resolution of the member from Montgomery, in which so much of the poet is displayed. His imagination has taken the start of his judgment—and with a truly poetic power, he has created visions, and wishes this

committee to embody them. He has stripped the American people of their enterprize and industry, to weave garlands for the government. Strange infatuation, that could thus metamorphose things !

Sir, let me ask, in what consists this boasted prosperity, that renders amendments to our constitution hazardous and superfluous ? Does it flow from the protection which our commerce has received ? Let the merchants of this continent, who have been robbed of their property by British pirates, come forward, and point out the protection which they have had. Let Providence and Bermuda be cited as evidences to prove our commercial security and prosperity—Let the commissioned robbers in his Britannic Majesty's service, join the crowd of testimony, and echo our prosperity. What has been the state of American commerce since the war between the Republic of France and Great Britain ? Insult and degradation have attended our flag, and confiscation of our property has been the fruit of our prosperity. If further testimony is necessary to elucidate this subject, let the American seamen be cited to witness our country's glory. Hapless people !—what a spectacle do you exhibit !—Torn from your friends, your families, and your country—doomed to pass a life of servitude on board British ships of war, and constrained to fight against your country's friends, and against liberty—say, what is the protection you have received—what the prosperity you have experienced ? Does your hapless case furnish cause for exultation ? Alas ! then misery must communicate glad tidings to the soul, if your cheerless fate can inspire us with joy !

Perhaps our prosperity may have its rise from the increase of our national debt. As debt is supposed to be wealth and blessing, we may well rejoice, when we find it increasing—and here we shall not be disappointed. That curse, that scourge of nations, has been incorporated with our system ; it has been artfully interwoven to facilitate, in my apprehension, the designs upon our freedom. An irredeemable debt engrafted upon our government, warrants a belief, that patriotism, a love of republicanism, had no share in its conception. This debt, artfully contrived to raise up a ministerial phalanx ready to support every measure of government, however iniquitous, has been pronounced the blessing of our country. Political sacrilege, that could have arisen only in the most corrupt heart !—But, sir, are we to consider this debt as one of the constituent parts of our prosperity ? Let us not exult when the sin of ingratitude and injustice to a brave and patriotic army stares us in the face. That army that led us on to victory and independence ; that army which enables us now to sit here as Legislators, has been neglected, shamefully neglected by their country—and speculators* have been fattened upon their toils and their blood. Is this too among those features of governmental procedure,

procedure, that calls upon us to be grateful, and hail the prosperity of our country?—But I will drop the curtain upon a subject, which, for the honor of human nature, ought to be blotted from remembrance.

Where shall we search for that prosperity which has arisen out of our government? Is it in the depreciation of the precious metals? Is it in the rate of usurious interest of three and four per cent. a month for money? Is it in the increased price of every article of life?

Is it in the increased price of labor, that has advanced in proportion to the multiplied prices of the necessaries of life? Our prosperity is an artificial thing, the result of adventitious circumstances, and must be ascribed to the deplorable situation in which the nations of Europe are placed. As well might the dews of Heaven, its rains, and its sun-shines, be ascribed to the operation of our government, as the prosperity we are said to experience. The misfortunes of the old world have produced the prosperity of which we boast; and so far from our government having aided in it, that had not the enterprize and industry of our citizens surmounted the greatest obstacles, our commerce must have languished, and our produce been a drug. Has our commerce received the smallest protection from our government? Have our seamen been encouraged by that protection? No—our commerce has been left to the will, and our seamen at the mercy, of a barbarous and unprincipled nation.

Mr. Chairman, it is become common for certain men among us, to brand every man who speaks his mind freely on the subject of our government, with the names of *jacobin*, *anarchist*, *anti-federalist*, and *disorganizer*; but, sir, such names have no effect upon me: indeed they, in my mind, only serve to shew the badness of the cause they are used to defend. If a citizen is to be abused because he uses the rights secured to him by our social compact, there must be an end to free discussion. The right freely to examine the measures of government, is an essential attribute of freedom, and cannot be withheld without destroying republicanism itself. Of this right I have availed myself, and of this right I shall ever avail myself, when I see just cause. I was one of the earliest friends to the present constitution, not because I thought this system was faultless, but because I thought it preferable to the cobweb form that bound us under the confederation; and because I thought it contained within itself, a remedy that would be used to render it more perfect. This expectation conciliated my good opinion; and, as an opportunity now offers, I hope this remedy will be applied. Let it not be said, that expediency forbids it; for it is prudence, it is wisdom, to administer a remedy when the disease is discovered, and before it has taken too firm an hold; but it is folly, it is madness, to apply remedies when the disorder has corrupted the system, and made it incurable.

T H E E N D.

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